

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

v.

**No. CIV 09-0315 LH/LAM
CR 06-2263 LH**

OSCAR PROVENCIO-SANDOVAL,

Defendant/Movant.

ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL

THIS MATTER is before the Court on Defendant/Movant's *Request for Pro Bono Assist[ance]* (Doc. 4), filed on April 6, 2009, which the Court construes as a motion for appointment of counsel. For the reasons set forth below, the Court **FINDS** that the motion is not well-taken and should be **DENIED** at this time.

Factors which the Court weighs when considering a motion for appointment of counsel include “the merits of the litigant’s claims, the nature of the factual issues raised in the claims, the litigant’s ability to present his claims, and the complexity of the legal issues raised by the claims.” *Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995) (quoting *Williams v. Meese*, 926 F.2d 994, 996 (10th Cir. 1991)). See also *Hill v. Smithkline Beecham Corp.*, 393 F.3d 1111, 1115 (10th Cir. 2004). In considering Defendant/Movant’s motion for appointment of counsel, the Court has carefully reviewed the motion, relevant case law, and the pleadings filed in this case in light of the above-referenced factors. Having done so, the Court finds that Defendant/Movant appears to understand the issues in the case and appears to be representing himself in an intelligent and capable manner. Therefore, his motion for the appointment of counsel will be **DENIED** at this time.

IT IS THEREFORE ORDERED that Defendant/Movant's *Request for Pro Bono Assist[an]ce* (Doc. 4) is **DENIED** at this time.

IT IS SO ORDERED.

Lourdes A. Martinez
LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE